

ORDINANCE NO. 1509

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING LODI MUNICIPAL CODE CHAPTER 13.08 - WATER SERVICE -  
ARTICLE III - WASTE

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.08 - Water Service -  
Article III - Waste - is hereby amended to read in full as follows:

ARTICLE III. Water Conservation

13.08.220 Waste.

The waste of water is prohibited and any waste shall make the person subject to the provisions of this Article.

13.08.230 Defined.

"Waste of water" includes but is not limited to the following:

- A. Failure to repair a controllable leak of water;
- B. The watering of lawns, flower beds, landscaping, ornamental plants or gardens on days or at times other than those allowed in Section 13.08.240 of this Article;
- C. Washing of sidewalks, driveways, parking areas, tennis courts, patios, streets or other exterior paved areas or buildings except when required to remove any spillage of substances that may be a danger to public health or safety;
- D. Washing with water any motor vehicles, trailers or movable equipment other than with a bucket and rinsing the vehicle or equipment by use of a hose for not more than three minutes;

- E. Use of a hose without a positive shut off nozzle;
- F. The excess watering of any area so that water flows into a gutter or any drainage area for a period exceeding three minutes;
- G. The unnecessary running of water in any residential, commercial or industrial establishment onto the floor, pavement, ground or into any drain or drainage area, with any equipment or in any way for more than three minutes;
- H. Over watering of lawns or landscapes from November 1 through February 28, or during or immediately following a rain.

13.08.240 Watering days/hours.

A. Days. The watering of lawns, flower beds, landscaping, ornamental plants or gardens throughout the year shall be allowed as follows :

- 1. Premises having odd numbered street addresses on Wednesday, Friday and Sunday;
- 2. Premises having even numbered street addresses on Tuesday, Thursday, and Saturday.

B. Hours. Watering of lawns, flower beds, landscaping, ornamental plants or gardens shall be allowed at any hour except that between May 1 and September 30 (inclusive), watering between the hours of 10 a.m. and 6 p.m. is prohibited.

13.08.250 Enforcement procedures.

A. Whenever the City becomes aware of a waste of water, the City shall notify the person at the premises where the waste of water occurred by delivering an Information Sheet. The Information Sheet

shall describe the waste of water in order that it be corrected, cured or abated immediately or within such specified time as the City believes is reasonable under the circumstances. In addition, the Information Sheet may be given to any other person known to the City who is responsible for that waste of water or the correction thereof and may be delivered to the premises every time a waste of water occurs.

B. In the event of a second waste of water within a 12 month period, the City will send a written notice stating the date(s), time(s) and type(s) of water waste to the person who regularly receives the utility bill for the premises where the wasting occurred.

C. In the event of a third waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a thirty-five dollar charge to be added to the next monthly utility bill.

D. In the event of a fourth waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a seventy-five dollar charge to be added to the next monthly utility bill.

E. In the event of a fifth or any subsequent waste of water within 12 months of any previous waste of water, a written notice will be mailed assessing a one hundred and fifty dollar charge to be added to the next monthly utility bill. The City may also require the owner or user to pay for the cost of installation of a water meter service as a prerequisite to continuing service. The City may also install a flow restriction device on the water service and require the owner or user to pay for the costs of installation and/or removal.

13.08.260 Strict application.

If the Public Works Director or a designated representative determines the strict application of any of the provisions of this Article may cause undue hardship or public health or safety to suffer, or if other special circumstances exist, the strict application may be waived. Special circumstances would include, but not be limited to: newly planted areas, newly seeded areas, washing down after cement work and pressure washing a building before painting. The decision of the Public Works Director may be appealed to the City Council as described in Section 13.08.270 of this Article.

13.08.270 Appeals.

If the ruling made by the Public Works Director is unsatisfactory to the person requesting reconsideration, the person may, within twenty days after notification of the City's action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within twenty days from the date of filing. The City Council shall make a final ruling on the appeal within twenty days of the hearing. The Public Works Director's decision, action or determination shall remain in effect during such period of reconsideration except that any surcharges assessed under this Article will be stayed until the City Council has made its decision.

13.08.280 Violation--Infraction.

In addition to the enforcement procedures and surcharges set forth in this Article, any person who wastes water, as defined in this Article, may also be charged with an infraction.

13.08.290 Emergency Water Conservation--Purpose.

The purpose of emergency water conservation is to assist ~~meeting~~ water pressure and/or supply demands when the water system cannot or may not be adequate and the failure to meet such demands may result in harm to the water system and/or jeopardize the health and safety of the public. The Public Works Director or a designated representative shall determine the degree of emergency and determine what additional restrictions of water use or other appropriate actions must ~~be~~ taken to protect the water system and the citizens of Lodi.


SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 17th day of April 1991

  
\_\_\_\_\_  
DAVID M. HINCHMAN  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No.1509 was introduced at a regular meeting of the City Council of the City of Lodi held April 3, 1991 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 17, 1991 by the following vote:

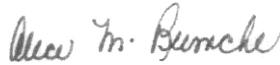
Ayes : Council Members - Pennino, Sieglock, Pinkerton,  
Snider, and Hinchman (Mayor)

Noes : Council Members - None

Absent: Council Members - None

Abstain : Council Members - None

I further certify that Ordinance No. 1509 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form



BOBBY W. McNATT  
City Attorney